



UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, DC

Issued by the Department of Transportation on January 22, 1999

NOTICE OF ACTION TAKEN -- DOCKET OST-98-4831

This serves as notice to the public of the action described below, taken by the Department official indicated (no additional confirming order will be issued in this matter).

Application of Northwest Airlines, Inc. filed 12/1/98 for:

XX Exemption under 49 U.S.C. 40109 to provide the following service:

Scheduled foreign air transportation of persons, property, and mail between Newark, New Jersey and Houston, Texas, on the one hand, and Antigua and Barbuda, on the other. Northwest intends to operate this service pursuant to a code-share arrangement with Continental Airlines, Inc. Northwest requested the authority for an indefinite duration.

Applicant rep.: Megan Rae Poldy, 202-842-3193 DOT analyst: Teresa Bingham, 202-366-2390

DISPOSITION

XX **Granted in part** (subject to conditions, see below)

XX **Balance dismissed** (i.e., for longer-term exemption authority)

The above action was effective when taken: January 22, 1999, through January 22, 2001

Action taken by: **Paul L. Gretch, Director**
Office of International Aviation

XX **The authority granted is consistent with the aviation agreement between the United States and the United Kingdom to which Antigua and Barbuda acceded upon its independence.**

Except to the extent exempted or waived, this authority is subject to the terms, conditions, and limitations indicated: XX **Holder's certificate of public convenience and necessity**

XX **Standard Exemption Conditions (attached)**

Conditions:

(1) The code-share operations conducted under this authority must comply with 14 CFR 399.88 and with any amendments to the Department's regulations concerning code-share arrangements that may be adopted. Notwithstanding any provisions in the contract between the carriers, our approval here is expressly conditioned upon the requirements that the subject foreign air transportation be sold in the name of the carrier holding out such service in computer reservation systems and elsewhere; that the carrier selling such transportation (i.e., the carrier shown on the ticket) accept responsibility for the entirety of the code-share journey for all obligations established in it contract of carriage with the passenger; and that the passenger liability of the operating carrier be unaffected.

(2) The authority granted here is specifically conditioned so that neither Northwest Airlines nor Continental Airlines shall give any force and effect to any contractual provisions between themselves that are contrary to these conditions.

Remarks: Consistent with our standard practice for this type of application, we granted Northwest's exemption for a period of two years, and dismissed its request for longer-term authority.

On the basis of data officially noticeable under Rule 24(n) of the Department's regulations, we found the applicant qualified to provide the services authorized.

Under authority assigned by the Department in its regulations, 14 CFR Part 385, we found that (1) immediate action was required and was consistent with Department policy; (2) grant of the authority was consistent with the public interest; and (3) grant of the authority would not constitute a major regulatory action under the Energy Policy and Conservation Act of 1975. To the extent not granted or dismissed, we denied all requests in the referenced Docket. We may amend, modify, or revoke the authority granted in this Notice at any time without hearing at our discretion.

Persons entitled to petition the Department for review of the action set forth in this Notice under the Department's regulations, 14 CFR §385.30, may file their petitions within ten (10) days after the date of issuance of this Notice. This action was effective when taken, and the filing of a petition for review will not alter such effectiveness.

*An electronic version of this document is available on the World Wide Web at:
http://dms.dot.gov/reports/reports_aviation.asp*